

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:18-00103

DERRICK CLARK

ORDER

Pending before the court is defendant's motion to continue the trial and all related pretrial dates in this matter. (ECF No. 18.) In support of defendant's motion, counsel for defendant explains that additional time is needed to (1) finish reviewing discovery; (2) further investigate the allegations in the indictment and potential exculpatory evidence; and (3) continue negotiating with the government. (See id.) Counsel also stated that the government does not oppose the continuance of this matter. (See id.) For good cause shown, defendant's motion is **GRANTED**.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the interest of defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** defendant's motion to continue. In deciding to grant defendant's motion, the court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that denying the motion "would deny counsel for the defendant . . . the reasonable time

necessary for effective preparation, taking into account the exercise of due diligence." Id. § 3161(h)(7)(B)(iv).

Accordingly, the court hereby **ORDERS** as follows:

- I. The deadline for the filing of pretrial motions is continued until **November 23, 2020**;
- II. The Pretrial Motions Hearing is continued until **2:30 p.m. on Monday, November 30, 2020, in Charleston**;
- III. Jury Instructions and Proposed Voir Dire are due to the court by **December 7, 2020**;
- IV. Trial of this action is continued until **9:30 a.m. on Tuesday, December 15, 2020, in Charleston**;
- V. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 5th day of October, 2020.

ENTER:

David A. Faber
David A. Faber
Senior United States District Judge